

EXHIBIT C: DECISION RECORD



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

Bristlecone Field Office
702 North Industrial Way
Ely, Nevada 89301

<https://www.blm.gov/nevada>



In Reply Refer To:

4720/4710.4 (NVL06000)

DECISION RECORD

INTRODUCTION

The BLM prepared the Pancake Complex Wild Horse Gather & Herd Management Area Plan Final Environmental Assessment (EA) DOI-BLM-NV-L060-2024-0013-EA to disclose and analyze the environmental effects of the Proposed Action and alternatives, which consist of establishing a Herd Management Area Plan (HMAP) (Appendix XIII) and gathering and removing excess wild horses from within and outside the Pancake Complex (Complex).¹ The Complex consists of the Pancake Herd Management Area (HMA), Sand Springs West HMA, the Jakes Wash Herd Area (HA) managed by the Bristlecone Field Office (BFO) and Tonopah Field Offices (TFO) and the Monte Cristo Wild Horse Territory (WHT) managed by the USFS Humboldt-Toiyabe National Forest. The EA analyzes associated impacts with management activities and removals to reach and maintain the Appropriate Management Level (AML) within the Complex. The EA is consistent with BLM's management responsibilities under the Wild Free-Roaming Horses and Burros Act of 1971 (WFRHBA).

The BLM has determined that excess wild horses are present on public lands within and outside the boundaries of the Pancake Complex and that removal of these wild horses to within appropriate management level (AML) is necessary to achieve a thriving natural ecological balance. The AMLs were set under the 2008 Ely District Record of Decision and the Approved Resource Management Plan (RMP) and the 1997 Tonopah RMP. The AML for the Pancake Complex is 361-638. The estimated wild horse population as of the end of 2024 is 1,465 wild horses.

Description of Alternatives:

- **No Action Alternative.** Under the No Action Alternative, continue existing management, a gather to remove excess wild horses would not occur. There would be no active management to control population growth rates, the size of the wild horse population or to bring the wild horse population to AML. A Herd Management Area Plan would not be implemented for the Pancake Complex.

¹ Executive Order 14154, Unleashing American Energy (Jan. 20, 2025), and a Presidential Memorandum, Ending Illegal Discrimination and Restoring Merit-Based Opportunity (Jan. 21, 2025), require the Department to strictly adhere to the National Environmental Policy Act (NEPA), 42 U.S.C. §§ 4321 et seq. Further, such Order and Memorandum repeal Executive Orders 12898 (Feb. 11, 1994) and 14096 (Apr. 21, 2023). Because Executive Orders 12898 and 14096 have been repealed, complying with such Orders is a legal impossibility. The Bureau of Land Management verifies that it has complied with the requirements of NEPA, including the Department's regulations and procedures implementing NEPA at 43 C.F.R. Part 46 and Part 516 of the Departmental Manual, consistent with the President's January 2025 Order and Memorandum.

- **Proposed Action (Alternative A).**

- Implement HMAP with a management strategy which would include several population growth suppression methods.
 - Establish an AML range for Sand Springs West HMA of 28-49 wild horses.
 - Immediately gather and remove excess animals in order to reach low AML as expeditiously as possible through an initial gather, and if necessary, a follow-up gather or gathers, in order to achieve and maintain the population within AML range. Follow-up gathers to remove excess animals to achieve low AML shall be conducted as promptly as appropriate to allow sufficient time for the animals to settle after a helicopter gather and to provide for a safe, efficient, and effective follow-up gather operation.
 - Apply fertility control methods (vaccines and/or intrauterine devices) to released mares.
 - Maintain a sex ratio adjustment of 60% male and 40% female.
- **Alternative B.** Alternative B is the same as Alternative A but would release a small non-reproducing component of males (up to 138 geldings) that brings the population to mid-AML.
- **Alternative C.** Under Alternative C, Implement HMAP with management strategy, gather and remove excess animals to within the AML range without fertility control, sex ratio adjustments, or geldings.
- **Alternative D.** The BLM would capture 100% of the current population of excess wild horses from within and outside the Jakes Wash Herd Area, in an immediate gather and, if necessary, follow-up gather or gathers to capture animals missed or that evade capture during a prior gather. No wild horses gathered from the Jakes Wash HA would be released under this alternative. All of the animals gathered from the HA would be removed and transported to BLM off-range corrals where they would be prepared for adoption and/or sale to qualified individuals, or for off-range pastures.

DECISION

It is the BLM's decision to implement the Proposed Action (Alternative A) and Alternative D as described and analyzed in the EA, but without use of intrauterine devices for fertility control. This decision is effective immediately pursuant to 43 CFR 4770.3(c). The Proposed Action and Alternative D are consistent with the land use plans and will allow for achievement of management objectives in the Pancake Complex.

Under this decision, and as analyzed as the Proposed Action, the BFO and TFO will:

- Implement HMAP with a management strategy which would include several population growth suppression methods.
- Establish an AML range for Sand Springs West HMA of 28-49 wild horses.

- Immediately gather and remove excess animals in order to reach low AML as expeditiously as possible through an initial gather, and if necessary, a follow-up gather or gathers, in order to achieve and maintain the population within AML range. Follow-up gathers to remove excess animals to achieve low AML shall be conducted as promptly as appropriate to allow sufficient time for the animals to settle after a helicopter gather and to provide for a safe, efficient, and effective follow-up gather operation.
- Apply fertility control methods (vaccines) to released mares.
- Maintain a sex ratio adjustment of 60% male and 40% female.
- This will allow BLM to achieve management goals and objectives of attaining a herd size that is at or within AML, to reduce wild horse population growth rates, and to obtain a thriving natural ecological balance on the range as required under the WFRHBA.

Under Alternative D, the BLM will also capture 100% of the population of excess wild horses from within and outside the Jakes Wash Herd Area, which will likely require multiple gathers to capture animals missed or that evade capture during a prior gather. No wild horses gathered from the Jakes Herd HA will be released. All of the animals gathered from the HA will be removed and transported to BLM off-range corrals where they will be prepared for adoption and/or sale to qualified individuals, or for off-range pastures.

RATIONALE

Upon analyzing the impacts of the Proposed Action (Alternative A) and Alternative D following issuance of the EA for public review; I have determined that implementing the Proposed Action (Alternative A) along with Alternative D will not have a significant impact to the human environment and that an environmental impact statement is not required as set forth in the attached Finding of No Significant Impact.

The Herd Management Area Plan and associated gather plan is necessary to remove excess wild horses and bring the wild horse population back to within the established AML range in order to achieve a thriving natural ecological balance between wild horses, wildlife, livestock, vegetation and the available water as required under Section 3(b)(2) of the 1971 Wild Free-Roaming Horses and Burros Act and Section 302(b) of the Federal Land Policy and Management Act of 1976.

The BLM is required to manage multiple uses to avoid continued degradation of the rangelands, and removal of excess wild horses is necessary to protect rangeland resources from further deterioration or impacts associated with the current overpopulation of wild horses within the Pancake Complex.

Current monitoring results for the Complex do not indicate that increasing, evaluating, or revising the AML is warranted at this time. Monitoring data confirms the need to remove excess wild horses above the current AML to reverse the downward trends, promote improvement of rangeland health and ensure safety and health of wild horses.

As approved in this decision, the Proposed Action and Alternative D are consistent with the wild horse management objectives identified in the 2008 Ely District Resource Management Plan and the 1997 Tonopah Resource Management Plan. The gather and removal of wild horses and

application of population controls consistent with the Proposed Action and Alternative D will occur until management objectives are obtained. Intrauterine device use is not selected for the Complex at this time because the vaccine-based methods in the Proposed Action are expected to meet objectives. BLM could approve the use of intrauterine devices in a separate decision.

Leaving excess wild horses on the range under the No Action Alternative would not comply with the WFRHBA or applicable regulations and BLM policy, nor would it comply with the Northeastern Great Basin Resource Advisory Council (RAC) Standards and Guidelines (February 12, 1997) for Rangeland Health and Healthy Wild Horse and Burro Populations. The No Action Alternative would allow continued deterioration of rangeland resources, including vegetative, soil and riparian resources, as a result of the current overpopulation of wild horses within and outside the Pancake Complex, with potentially irreversible loss of native vegetative communities due to overuse and increased fire risk/damage. Wild horses would continue to relocate in increasing numbers to areas outside the Complex boundaries due to competition for limited water and forage in the Complex adversely impacting public land resources not designated for wild horse management. The No Action Alternative also increases the likelihood of emergency conditions arising, requiring an emergency gather to prevent individual animals from suffering or death due to insufficient forage or water. Under the no action alternative wild horse populations would be expected to increase. The increased herbivory and impacts of this increasing population could be expected to reduce fine fuels in the short term. In the long term it could be anticipated that it would lead to a reduction of native understory species and an increase in non-native invasive species. The fire regime could be expected to shift to a more frequent and intense fire regime as favored by non-native invasive species such as cheatgrass. Hazardous fuels reduction and habitat improvement projects would continue to avoid areas that are over AML resulting in less active improvement of the landscape.

PUBLIC INVOLVEMENT

A Pancake Complex Herd Management Area Plan Management Evaluation Report was made available to interested individuals, agencies and groups for a 30-day public review and scoping period that opened on June 12, 2024, and closed on July 15, 2024. Scoping comments were received from approximately 6,000 individuals (primarily as form letters) or organizations, and agencies. Many of these comments contained overlapping issues/concerns which were consolidated into 121 distinct topics.

The Preliminary EA was made available to interested individuals, agencies and groups for a 30-day public review and scoping period that opened on October 30, 2024, and closed on November 29, 2024. Comments were received from approximately 450 individuals (primarily as form letters) or organizations, and agencies on the Pancake Complex Wild Horse Gather & Herd Management Area Plan Preliminary Environmental Assessment. Many of these comments contained overlapping issues/concerns which were consolidated into 89 distinct topics.

A detailed summary of the comments received and BLM's response and use of comments in preparing the final environmental assessment can be found in Appendix XV.

The EA is available on the National NEPA Registrar web page at:

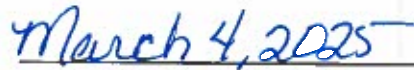
<https://eplanning.blm.gov/eplanning-ui/project/2033135/510> or by contacting the Ely District Office.

APPEALS

If you wish to appeal this decision, it may be appealed to the Interior Board of Land Appeals, Office of the Secretary, in accordance with 43 CFR part 4 and Form 1842-1 (enclosed).



Melanie A. Peterson
Acting Bristlecone Field Manager



Date



Perry B. Wickham
Tonopah Field Manager



Date

Enclosure:
Form 1842-1